

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DONNA BINETTI, On Behalf of Herself and All :  
Others Similarly Situated, :

Plaintiff, :

vs. :

WASHINGTON MUTUAL BANK, f/k/a :  
WASHINGTON MUTUAL BANK, FA, :

Defendant. :

-----X

06 Civ. 1732 (KMK)

~~PROPOSED~~ FINAL JUDGMENT  
AND ORDER OF DISMISSAL  
WITH PREJUDICE ON CLASS  
ACTION SETTLEMENT

KMK

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DATE FILED: \_\_\_\_\_

This matter came before the Court for hearing pursuant to the Preliminary Approval Order dated December 19, 2007, and on the application of the Parties for final approval of the settlement as set forth in the Stipulation fully executed as of November 30, 2007. Due and adequate notice having been given to the Settlement Class Members as required in said Preliminary Approval Order, and the Court having considered all papers filed and proceedings conducted in this action and otherwise being fully informed and good cause appearing therefor, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. This Judgment incorporates by reference the definitions in the Stipulation, and all terms used herein shall have the same meanings as set forth in the Stipulation.

2. For purposes of the Action, the Court has subject matter and personal jurisdiction over the Parties, including all Settlement Class Members.

3. Having considered the due process implications of the settlement, the Court hereby finally approves the settlement set forth in the Stipulation and finds that such settlement is, in all respects, fair, reasonable and adequate to the Settlement Class Members. The Court further finds that the Stipulation and settlement set forth therein were entered into in good faith following arms length negotiations and is non-collusive.

4. The Settlement Class consists of the following:

All persons in the Mailing Group who, during the Class Period, paid in full to WMB a loan that was in fact a Coop Secured Loan with respect to real property located in the State of New York or the State of New Jersey.

5. Excluded from the settlement are those persons who have submitted valid and timely requests for exclusion. Every person in the Settlement Class who did not opt out is a Settlement Class Member.

6. With respect to the Settlement Class Members, the Court finds and concludes that: (a) the Settlement Class Members are so numerous that joinder of all Settlement Class Members in the Action is impracticable; (b) there are questions of law and fact common to the Settlement Class Members that predominate over any individual questions; (c) the claims of

Plaintiff are typical of the claims of the Settlement Class Members; (d) Plaintiff and Class Counsel have fairly and adequately represented and protected the interests of the Settlement Class Members; and (e) a class action is superior to other available methods for the fair and efficient adjudication of the controversy.

7. The Action is hereby dismissed with prejudice as to Plaintiff and all Settlement Class Members. Upon entry of this Judgment and Order, and by operation of this Judgment and Order, Plaintiff and the Settlement Class Members shall be deemed to have fully, finally and generally released any and all Released Claims as to the Released Parties.

8. The Court finds that the Mailed Notice and Class Notice provided to the Settlement Class Members were the best notice practicable under the circumstances of these proceedings and of the matters set forth therein, and that the Mailed Notice and Class Notice fully satisfied the requirements of due process.

9. The Court hereby approves class counsel's application for attorneys' fees and costs in the sum of \$407,500, which shall be paid within fifteen (15) days following entry of a final and non-appealable Judgment in this case.

10. The Court hereby approves \$2,500 as an incentive fee to Plaintiff Donna Binetti.

11. Without affecting the finality of this Judgment and Order in any way, this Court hereby retains continuing jurisdiction over, inter alia: (a) interpretation, implementation and enforcement of the settlement and the payments to be made under the settlement; (b) the hearing and determination of applications for Class Counsel's attorneys' fees and costs and Plaintiff's incentive fee; and (c) the enforcement and administration of the Stipulation.

12. In aid to this Court's jurisdiction to implement and enforce the settlement, Plaintiff and all Settlement Class Members and all persons purporting to act on behalf of Settlement Class Members are enjoined, directly, on a representative basis or in any other capacity, from commencing or prosecuting any action, arbitration or proceeding in any court, arbitral forum or tribunal against the Released Parties asserting any of the Released Claims.

13. Within 80 days after the Effective Date, or, if later, 80 days after the last day for submitting Claim Forms pursuant to the Preliminary Approval Order, the Claims Administrator shall file with the Court a declaration attesting that the payments pursuant to the Stipulation have been made.

14. The Parties shall bear their own attorneys' fees and costs, except as otherwise provided in the Stipulation and this Judgment and Order.

IT IS SO ORDERED.

Dated: Apr. 14, 2008

By:

  
THE HONORABLE KENNETH M. KARAS